

B.C.'s Accessibility Legislation - Accessibility through Legislation Consultations – November, 2019

To: Province of British Columbia
From: City of Vancouver

Submitted by email: engageaccessibility@gov.bc.ca

The City of Vancouver appreciates the opportunity to provide feedback on the provincial government's commitment to developing new laws, standards, and policies to better support people with disabilities to live with dignity and to meaningfully participate in their communities.

The following themes are highlighted in the City's submission below:

- Ensure legislation would make a clear commitment that aligns with the City's accessibility goals, and help to prioritize investments and make progressive change;
- Need for municipal government consultation throughout the process and in the development of standards;
- Support for developing built environment and transportation requirements that builds on existing practice and research by municipalities, practitioners, etc.;
- Need for phasing and funding strategy to support higher costs in implementing and maintaining accessible infrastructure, and providing affordable accessible services; and
- Support for coordination and alignment with other legislation, such as ride-hailing, and the Motor Vehicle Act.

1. *What is most important to you about accessibility legislation for B.C.?*

Key Messages

It is important that "surface level" solutions are not the driver but rather, getting at the real "systems" issues that are grounded in principles of equity, inclusion and intersectionality and leave room for innovation and change over time.

Details

- I. The City's *Equity, Diversity & Inclusion* team highlights that accessibility legislation for BC must be accompanied by a policy framework for organizations required to implement it. They also suggest that staged implementation (such as Ontario's legislation) should be considered to stagger impacts over time and to allow organizations to build up to full compliance.
- II. The City's *Arts, Culture, and Community Services* Department stresses the importance of clear objectives and measures of accountability, and that any provincial Accessibility Legislation should be embedded in other legislation.
- III. ACCS also highlights the need to demonstrate how legislation reinforces existing international conventions (i.e. UNCRDP, UNDRIP, UNCRC), and national and provincial laws (e.g. Charter of Rights and Freedoms, BC Human Rights Code).
- IV. The *Vancouver Park Board* is interested in consistency in the application to employment, customer service, building standards, space design, communications, and transportation that contribute to individuals with a disability living as independently as possible

- V. Vancouver's *Engineering Department* maintains that accessibility legislation should create a barrier-free built environment and transportation services that are available and affordable for all people would emphasize its importance, and therefore prioritize investments and decision-making.

2. *What benefits and challenges do you foresee for your team with the implementation of Accessibility Legislation in the province?*

Key Messages

City staff highlight the need for funding for new construction and ongoing maintenance to ensure compliance with accessibility legislation and that having provincial legislation will benefit all British Columbians by ensuring consistent standards, province-wide.

Details

I. Benefits:

- Through accountability/enforcement measures the opportunity to create systemic changes leading to greater accessibility for all rather than individuals with disabilities who are burdened with seeking change through individual complaints.
- Greater opportunity for independence and civic engagement for all.

II. Challenges:

- Resources and funding for implementation: Where legislation leads to new standards of design and construction, a funding strategy for initial capital, ongoing maintenance, and eventual replacement of assets should be considered. There may be challenges with capacity and resources, such as new policy development, additional staff training to ensure that programming and services are able to accommodate those who require it, and compilation and submission of regular accessibility plans.
- It will be important to set clear expectations with the public with respect to timing and prioritization of implementation in the context of limited resources
- There is a need for education and cultural shifts for the public, businesses, developers, etc.
- New legislation may require employers to set new job classifications or job specifications to ensure the appropriate staff are hired to assist individuals with mild, medium, and high needs.

The City also recognizes that the establishment of a provincial Accessibility Framework offers future opportunities:

III. Opportunities:

- There is an opportunity for the Province to create a central office to support employers with education and resources for organizations to implement legislative requirements, as Ontario has done. There is also an opportunity for consistent standards and for larger employers to work together and share resources and best practices.

- Accessibility Legislation can be informed and build upon the experience of municipalities in researching, consulting, and implementing accessible practices. Consultation is critical to ensure legislation supports municipalities in delivering a more accessible built environment in the public right-of-way and to provide accessible transportation services.

3. *What measures is the City currently taking to ensure accessibility and how can the legislation support our work?*

Key Messages

The City of Vancouver is committed to delivering the highest level of accessible and barrier-free public realm possible. Accessibility goes far beyond technological, physical and attitudinal barriers. The legislation must be grounded in principles of equity and inclusion and leave room for innovation and change over time. Through its [Accessible City Framework](#), the City of Vancouver has a number of measures set in place to improve city-wide accessibility that benefits everyone in the community.

Details

I. **City of Vancouver employees and contractors:**

- Organizational Health: accommodation of workers with physical/mental disabilities and medical conditions.
- Inclusive hiring practices – accommodation built into hiring process.
- Commitment and practices, including training on fostering a respectful, inclusive workplace.
- Emphasize proven benefits that organizations can gain with diverse work teams, as well as benefits to employee engagement.
- Accessible events checklist/requirements for City staff, posted both internally and externally on public website.
- Accessibility Specialist position included in recreation staffing plan.

II. **Committees and Strategies:**

- Healthy and Age Friendly City: A number of accessibility issues have been raised as a result of the Healthy City and Age Friendly City initiatives. Provincial accessibility legislation could help advance the City's work in these areas and ultimately improve wellbeing for all citizens.
- Seniors' Advisory Committee: Accessibility has been identified by the Seniors' Advisory Committee and the Age-Friendly work as a key component of an [Age-Friendly City](#). For example, curb cuts for easier access for wheelchairs or walkers provides increased access for parents with strollers, small children on tricycles, people travelling with luggage on wheels, etc.
- Transportation 2040 Plan: Key accessibility policies within the plan including making streets accessible for all people; supporting a universally-accessible transit system with a goal of equal transit outcomes for people of all incomes, ages, and abilities; providing accessible parking for persons with disabilities; and supporting safe use of taxis for persons with disabilities.
 - As street design practices evolve to better accommodate walking and cycling, increasingly complex designs require an expanded inclusive

design toolkit to meet diverse pedestrian needs; hence the City works closely with a wide range of accessibility stakeholders, neighbouring municipalities, TransLink, and global experts in the field to pilot and test new design practices.

- Within Park Board facilities, staff are working to develop access and inclusion standards, which include challenges expressed by members of the Trans, Gender Diverse, and Two-Spirit communities & persons with disabilities populations.
- The PB offers inclusive summer day camps and adapted swim lessons and has adapted facilities (including lifts in change rooms, lifts and gradual access for pools, accessible playgrounds, accessible park trail development).

III. How provincial Accessibility Legislation can support the City of Vancouver's work

- The City consults extensively to inform policies – for example, it informed ride-hailing legislation recommendations to the Province on ensuring the availability and affordability of wheelchair accessible taxis. Provincial accessibility legislation that is coordinated with municipalities could support a high standard of accessible offerings for taxis and ride-hailing services.
- Provincial accessibility legislation that provides a strong commitment can help City staff prioritize, invest in, and make progressive institutional changes to provide barrier-free streets and transportation services.
- If legislation includes a requirement for Universal Design Principles into BC Building Code, it would assist in guiding consultants and architects on building accessibility into facility plans.
- Tactile paving for people with visual challenges mandated into accessible wayfinding.

4. What should the provincial government consider in implementation and standards development?

Key Messages

Municipal consultation is critical to the implementation of Accessibility Legislation to understand the context and jurisdictional authority, to ensure shared objectives are met, and to build on a significant amount of City-led consultation and lessons learned to date. Clarity of roles and a robust process for municipal input can help address potential challenges, such as coordination with other legislation (e.g. ride-hailing, taxi, and transit services), financial and maintenance implications for infrastructure (e.g. measures such as signals, wayfinding, surface treatments have a higher capital and ongoing maintenance costs), funding programs, and subsidizations to ensure accessible services are available and affordability, compliance, etc.

A phasing and financial strategy is critical to support implementation and meeting milestone targets. For example, to support the higher design, construction, and maintenance costs of a more accessible built environment, and to ensure accessible transportation services are available and affordable.

Details

- I. As much as is possible, consistency with standards across other provinces and Federal legislation is necessary, as are learnings and best practices from other provinces who have already implemented legislation.
- II. Intersectional identities and the social determinants of health should be considered foundational to the development, implementation and evaluation of standards.
- III. The framework talks about five standards however the framework does not identify affordability and social connectedness, which are also key barriers. The model also needs to outline accountability measures.
- IV. Implementations should be phased in a 3 – 5 year window and online training modules similar to [Accessibility Ontario](#), and [Transport Canada](#) should be available when standards are enacted
- V. In developing Transportation and Built Environment standards, key considerations include:
 - Developing standards that are straightforward in application but allow municipalities to be flexible and adaptable.
 - Striking a balance between consistency within and across jurisdictional boundaries while maintaining the ability to improve and adapt to an evolving transportation system (e.g. cycling infrastructure and micro-mobility devices, ride-hailing, and new models of providing transportation services, etc.).
 - Balancing competing needs and achieving an equitable balance in service provided to all types of disabilities (e.g. conflicting treatments for vision impaired and mobility impaired).
 - Leveraging significant research from other jurisdictions, yet recognizing there are major gaps that cities and institutions are continually researching.

5. *What do you think about the suggested model for the legislation, including scope?*

Key Messages

In general, City of Vancouver staff teams support the scope of developing accessibility requirements in close consultation with municipalities and agree that it makes sense to keep the legislation broad/high level and aligned with federal and other provincial legislation. Staff would like to stress that legislation must affect both the public and private spheres to ensure barriers restricting individuals with disabilities are not limited.

Details

- I. Ensure that accessibility legislation references the BC Human Rights Code and alignment with human rights expectations; to frame disability rights as human rights.
- II. The City's Arts, Culture and Community Services Department highlights that proposed accessibility standards do not adequately address the following:
 - Education (at all levels including children in the K-12 system and post-secondary)
 - Housing
 - Social Isolation
 - Healthcare

- Universal Design
 - Caregiver supports
- III. Engineering staff emphasize the need to thoroughly understand the impacts of accessibility legislation on other legislation, such as for Ride-hailing, the Motor Vehicle Act, etc. and recommend a greater emphasis in developing funding models and programs to support infrastructure upgrades to the built environment in the public right-of-way, increased maintenance costs, and ongoing funding to ensure accessible transportation services are available and affordable.

6. Do you have other ideas for the model or scope of the legislation you would like considered?

Key Messages

The population that is defined in the framework essentially covers the province’s total population. For this reason, there is a need for intersectional legislation. If the legislation is standalone, it may be overshadowed by other legislative frameworks (e.g., employment, education, housing, and childcare). There is also a need for engagement with multiple stakeholders from both within and outside of government to ensure there is an integrated approach that is grounded in community and representative of those impacted.

Details

- I. The model needs to recognize that many people are living with dual/multiple disabilities. Supports/interventions must have the flexibility to meet unique needs.
- II. The Americans with Disabilities Act (ADA) should be reviewed as it was enacted in 1990.
- III. Manitoba’s Accessibility Act should be reviewed as it includes “attitudinal” barriers which are usually the most challenging to overcome.

7. What other initiatives or actions would you recommend to promote a culture of accessibility?

Key Messages

Developing accessibility requirements, especially for the built environment provides an opportunity to leverage the lessons learned and research from other jurisdictions and institutions. As there are gaps in existing accessible design practices, the City recommends establishing a forum for research and knowledge sharing, piloting and testing applications, and developing consistent practice across the province.

Details

- I. As accessible design implementation introduces many challenges, such as balancing competing needs, input from municipalities and practitioners is critical as part of this forum.
- II. The province should position accessibility as supportive rather than compliance-focussed and develop a robust communications plan that emphasizes the benefits of accessibility for all.

8. *How else can accessibility legislation support culture change and vice-versa?*

Key Messages

Implementation could roll out locally by having a provision for direct funding to local governments to develop and implement local solutions that align with the legislation.

Details

- I. Develop and fund a series of solution labs to create space for deeper conversations, experimentation, and emergent concepts for prototyping.
- II. The requirement to remove physical barriers followed by training on attitudinal barriers go hand-in-hand to change the perception and encourage a culture of respect and access. Increased contact will allow staff and the public to realize that a disability does not define an individual.

9. *What other initiatives or actions would you recommend to promote a culture of accessibility?*

Key Messages

The City recommends ensuring an intersectional lens is woven into the legislation, implementation and accountability mechanisms. The ways in which disabilities are experienced are impacted by other aspects of identity and social position (e.g. Indigenous, racialized, gender identity, sexual orientation, age, and income).

10. *What do you think about having reviews of accessibility legislation? If you do support legislative reviews, how often should they occur?*

Key Messages

The City supports regular and thoughtfully coordinated reviews of accessibility legislation. Staff teams recommend reviews to occur *every four years* and be timed with Canada's requirements to submit periodic reviews to the UN Committee on the Rights of Persons with Disabilities regarding its compliance with UN CRPD. See:

<https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>.